

Calendar No. 1930

82D CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 2006

MRS. MERCEDES HERNANDEZ SAGUAR

JULY 1 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1092]

The Committee on the Judiciary, to which was referred the bill (H. R. 1092) for the relief of Mrs. Mercedes Hernandez Saguar, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to a previous attack of insanity in behalf of Mrs. Mercedes Hernandez Saguar. Provision is made for the posting of a bond as a guaranty that she will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 60-year-old Spanish widow who has three sisters, one brother, and two children in the United States. A petition for a visa filed by her United States citizen son has been approved but it appears that she was confined in the Agnew State Hospital in California in 1917 and was also confined in a hospital in Spain in 1923 because of a mental condition. Without the waiver provided for in the bill she will be unable to join her relatives in this country.

A letter dated January 30, 1951, to the chairman of the Committee on the Judiciary of the House of Representatives from the Chief of the Visa Division with reference to the case reads as follows:

DEPARTMENT OF STATE,
Washington, January 30, 1951.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. CELLER: Reference is made to your letter of January 17, 1951, and its enclosures, wherein you requested the views of this Department concerning

the enactment of H. R. 1092, a bill for the relief of Mrs. Mercedes Hernandez Saguar, and to the Department's interim reply thereto dated January 19, 1951.

The Department's records show that on September 13, 1948, the responsible American consular officer at Madrid, Spain, reported that in July 1946, a letter was addressed to Mrs. Hernandez advising her of the approval of a petition and suggesting that she call in connection with her application for a visa, and that a reply was received from the Psychiatric Institute of the Province of Valladolid stating that the subject was confined in that institution and could not be permitted to leave unless arrangements were completed for her to join her family. The consular report further states that Mrs. Hernandez had since been released, had been interviewed, and had been informally refused an immigration visa under the provisions of section 3 of the Immigration Act of 1917, as amended, which excludes from admission into the United States persons who have had one or more attacks of insanity at any time previously.

In response to an appeal by interested persons for a favorable reconsideration of the previous decision in the case, the responsible consular officer at Madrid informed the Department on May 23, 1949, as follows:

"1. The applicant appears to have been confined in Agnew State Hospital in California in 1917. She was declared sane by the judge of the California Superior Court on July 12, 1917, but details regarding earlier condition lacking.

"2. She was committed to the Provincial Psychiatric Institute, Valladolid, Spain, suffering paraphrenitis on September 12, 1923, and was not released until May 31, 1947. Under date of December 2, 1948, the director certified that she had been cured for the past 5 years, but in July 1946 he had refused to permit her to leave the hospital to come to Madrid to apply for a visa.

"As of February 11, 1949, her condition was such that she required an attendant, and she was unable to carry on simple conversation connected with her application for a visa. She was then 56 years old and her condition could not be attributed to advanced age."

In the circumstances, and in the light of the foregoing information, the question of the enactment of the proposed bill appears to be a matter for legislative determination, concerning which the Department does not wish to express an opinion.

Sincerely yours,

H. J. L'HEUREUX,
Chief, Visa Division
(For the Secretary of State).

Additional information is contained in the following letter dated August 16, 1951, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General:

AUGUST 16, 1951.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 1092) for the relief of Mrs. Mercedes Hernandez Saguar, an alien.

The bill would provide that notwithstanding the provision of the second category of section 3 of the Immigration Act of 1917, as amended, Mrs. Mercedes Hernandez Saguar may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of the immigration laws.

The files of the Immigration and Naturalization Service of this Department disclose that Mrs. Saguar, now approximately 58 years of age, was born at La Adrada Avila, Spain. She is now residing in Spain and is a citizen of that country. She has three sisters, one brother, and a son and daughter residing in the United States who are citizens of this country. The alien's son, Joseph Hernandez, her daughter, Juanita Duff, and her sister, Mrs. Anna Heckman, were interviewed by an officer of the Immigration and Naturalization Service on March 10, 1951. Mrs. Heckman stated that her sister first entered the United States through the port of Honolulu, Hawaii, in 1913, coming to the mainland of the United States after residing in Hawaii for about 2 years, and that she resided in this country until 1920, when she returned to Spain, where she has since resided. Mrs. Heckman further stated that she, her sisters, brother, and the alien's son and daughter own their own homes in the United States and that they are all willing to support the alien. Mrs. Heckman presented a statement from the health authorities in

Spain showing that the alien has been cured of any mental disturbances or illnesses she may have had and that they were prepared to release her from the mental institution at any time she was prepared to leave. It appears that the alien was refused an immigration visa under the provision of the second category of section 3 of the Immigration Act of 1917, as amended, by the American vice consul at Madrid, Spain, on February 11, 1949. This provision of law provides for the exclusion from admission into the United States of persons who have had one or more attacks of insanity at any time previously. The record indicates that Mrs. Saguar was committed to the Provincial Psychiatric Institute in Valladolid, Spain, on September 12, 1923, and that she was released on May 31, 1947. It appears also that she was confined in Agnew State Hospital in California in 1917, and that as of February 11, 1949, her condition was such that she required an attendant and that she was unable to carry on a simple conversation connected with her application for a visa.

The alien is inadmissible to the United States under the provisions of section 3 of the Immigration Act of 1917. In this respect her case is similar to those of many other aliens, some of whom have near relatives residing in the United States, who desire entry into this country for permanent residence but are unable to do so because of their inability to qualify for admission under the general provisions of the immigration laws. While the case admittedly has appealing elements, the excluding provisions of the immigration laws nevertheless were enacted for the protection of the citizenry of this country as a whole. The question of granting relief to incompetent relatives of United States citizens is a general one which should be resolved, if at all, by general legislation and not by a series of private bills. The record presents no facts which would justify granting the alien a preference over the many other aliens in like circumstances.

Accordingly, the Department of Justice is unable to recommend passage of this bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Congressman Jack Z. Anderson, the author of the bill, submitted the following affidavits in support of the bill:

OFFICIAL MEDICAL CERTIFICATE

COLLEGE OF TOLEDO

GENERAL ADVISORY BOARD, MEDICAL COLLEGES OF SPAIN

(No. 529428)

Jose Maria Martinez, physician and surgeon, residing in Talavera de la Reina at No. 251 of the Official Medical College of this Province, certifies that Mercedes Hernandez Aparicio, 62 years of age, a widow, a resident of this city, has no physical defects nor suffers mental derangement. She has been vaccinated for small pox and for the remaining illnesses.

I issue the present certificate in Talavera de la Reina on the 20th day of March of the year nineteen hundred and fifty-two.

[SEAL]

COLLEGE OF TOLEDO.

Translated at the International Institute of Alameda County, 121 East Eleventh Street, Oakland, Calif.

WILHELMINE W. YOAKIM,
Executive Secretary.

March 28, 1952.

MERCEDES HERNANDEZ SAGUAR

Social history

Born: La Adrada, Avila, Spain, September 23, —.

Entered United States: 1913.

Husband: Pablo Saguar, native of Spain. Died in Spain, 1948.

Children: One born in Spain; two born in United States of America.

1920: Because of woman's mental condition she was deported to Spain, accompanied by her alien husband and her two American-born children. Sailed from New York on *Isla de Paney*.

September 12, 1923: Woman was committed to Instituto Psiquiatrico at Valladolid, Spain, under the name of Mercedes Hernandez Aparicio. Age at the time, 35 years. Diagnosis, parafrenia.

December 26, 1941: Certificate from the institution stating that patient had been sane for the past seven years (or as early as 1935) but could not be discharged because she had no close relative to care for her. (Deserted by husband shortly after being institutionalized.)

May 31, 1947: Released as cured. Had been a patient at the Instituto Psiquiatrico for 24 years, during at least the last half of which she was sane.

1947: After release she presented herself at the American consulate, Madrid, to apply for a visa to return to the United States and join her three American-citizen children. Form I-133, "Petition for the issuance of an immigration visa," was filed by her daughter, Juanita Saguar Duff, in November 1947.

November 12, 1948: Medical certificate issued proving patient cured.

Subsequently letters were received from the American consul at Madrid denying a visa under section 3 of act of February 5, 1917: "Persons who have had one or more attacks of insanity at any time previously." Copies of letters pertinent to the problem presented are attached.

Visa applicant's American-citizen children, who are all financially able and willing to guarantee full support and care of their mother:

1. Jose Hernandez, married, applicant's natural child, born August 29, 1912, in Madrid, Spain. Veteran of World War II. Naturalized May 2, 1944, in Auckland, New Zealand, while in the service. Inducted February 12, 1943; discharged, January 1, 1946.

2. Mrs. Carl Albert Duff (Juanita Hernandez), 421 Knowles Avenue, Daly City. Born in San Leandro, Calif., December 13, 1916.

3. Mariano Saguar: Single; born, Hawaiian Islands, September 9, 1914; 1334 Minna Street, San Francisco.

INTERNATIONAL INSTITUTE OF ALAMEDA COUNTY,
A FAMILY WELFARE AND TECHNICAL SERVICE AGENCY,
Oakland 6, Calif., December 12, 1950.

Hon. JOHN Z. ANDERSON,
House of Representatives, Washington, D. C.

SIR: We have been informed by one of our former clients, Mrs. Anna Heckman, that she has been in conference with you relative to the immigration situation of her sister, Mrs. Mercedes Hernandez Saguar, presently residing in Spain. Three sisters and two brothers of Mrs. Saguar, as well as her three American-citizen children, all reside in this area and Mrs. Saguar is the only one of the family group still in Spain.

We have reviewed our files and have enclosed for you a brief outline of events as they relate to Mrs. Saguar, and we trust this statement will be of use to you in determining your method of procedure. We are also enclosing certain copies of correspondence with and from the American Embassy at Madrid, Spain. We have exhaustive information about this family group, dating back to 1937, and we believe it will be possible for us to answer any questions which may arise in this case.

As far as we can see the only relief available to Mrs. Saguar at this time is through congressional action and we are pleased to note that you have interested yourself in this case.

Very truly yours,

Mrs. WILHELMINE W. YOAKUM,
Executive Secretary.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1092) should be enacted.

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